

DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

Receptacle Cap for Pills and Other Articles

described and claimed in the specification which was filed herewith as docket # EsauTop.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications		Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes No

NONE

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

(Serial #)	(Filing Date)	(Status)
60/459,590	March 31, 2003	Co-pending

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Serial #)	(Filing Date)	(Status-patented, pending, abandoned)
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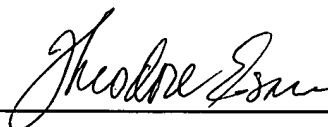
NONE

I hereby appoint practitioners at customer number 27,119 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Direct all correspondence to Customer Number 27,119.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature:



Date: March 30, 2004

Inventor's Name: Theodore Esau

Residence Address: 8254 Kingslee Road

City: Bloomington **County:** Hennepin **State:** MN **Zip:** 55438

Citizenship: US

Post Office Address: Same as Residence

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR

Docket Number **EsauTop**

Applicant or Patentee: Theodore Esau

Serial or Patent No.: Herewith

Filed or Issued: Herewith

Title: Receptacle Cap for Pills and Other Articles

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in the application identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ No such person, concern, or organization exists.

☐ Each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Theodore Esau

Signature of inventor



Date *March 30, 2004* March 30, 2004